

11271

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Energy

AN ACT to amend the energy law, in relation to energy audits for small businesses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The energy law is amended by adding a new section 5-115 to
2 read as follows:

3 S 5-115. ENERGY AUDITS FOR SMALL BUSINESSES. 1. FOR PURPOSES OF THIS
4 SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 A. "SMALL BUSINESS" SHALL MEAN:

6 I. ANY BUSINESS, OTHER THAN A NOT-FOR-PROFIT CORPORATION, WHICH IS
7 RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYS
8 ONE HUNDRED OR FEWER INDIVIDUALS; OR

9 II. ANY NOT-FOR-PROFIT CORPORATION, WHICH IS RESIDENT IN THIS STATE,
10 INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYS TEN OR FEWER INDIVIDUALS;
11 AND

12 B. "ENERGY AUDIT" SHALL MEAN A WRITTEN REPORT OF AN ON-SITE EVALUATION
13 OF A BUILDING, FACILITY OR SYSTEM BY A QUALIFIED CONTRACTOR OR OFFICE
14 PERSONNEL TO DETERMINE WHETHER AND TO WHAT EXTENT THE IMPLEMENTATION OF
15 ENERGY CONSERVATION MEASURES OR PRACTICES WOULD REDUCE ELECTRIC DEMAND
16 AND/OR THE CONSUMPTION OF ENERGY IN SUCH BUILDING, FACILITY, OR SYSTEM,
17 INCLUDING RECOMMENDATIONS REGARDING METHODS TO IMPLEMENT SUCH MEASURES
18 OR PRACTICES.

19 2. THE OFFICE IS AUTHORIZED AND DIRECTED TO CONDUCT ENERGY AUDITS OF
20 SMALL BUSINESSES, PROVIDED THAT THE ANNUAL COST FOR ANY SUCH SMALL BUSI-
21 NESS FOR ITS USAGE OF ELECTRICITY AND NATURAL GAS IS LESS THAN SEVENTY-
22 FIVE THOUSAND DOLLARS. SUCH ENERGY AUDITS SHALL BE MADE AVAILABLE FREE
23 OF CHARGE TO SUCH SMALL BUSINESSES. APPLICATION FOR SUCH ENERGY AUDITS
24 SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY THE OFFICE,
25 PROVIDED THAT SUCH FORM SHALL NOT EXCEED ONE PAGE IN LENGTH. THE OFFICE
26 SHALL REQUIRE SUPPLEMENTAL DOCUMENTATION SUPPORTING SUCH APPLICATION
27 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO A STATEMENT OF SUCH SMALL
28 BUSINESSES' ENERGY USAGE FOR THE PREVIOUS THREE YEARS OR FOR THE LENGTH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 OF TIME SUCH SMALL BUSINESS HAS BEEN IN BUSINESS, WHICHEVER IS LESS. ANY
2 SMALL BUSINESS WHICH RECEIVES AN ENERGY AUDIT PURSUANT TO THIS SECTION
3 SHALL NOT BE ELIGIBLE FOR ANOTHER ENERGY AUDIT FOR A PERIOD OF THREE
4 YEARS.

5 S 2. This act shall take effect on the sixtieth day after it shall
6 have become a law.